

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

GLADYS YOLTON, WILBUR MONTGOMERY,
ELSIE TEAS, ROBERT BETKER, EDWARD
MAYNARD, and GARY HALSTED, on
behalf of themselves and a class of persons
similarly situated,

Hon. Patrick J. Duggan

Case No. 02-CV-75164

Plaintiffs,

CLASS ACTION

v.

EL PASO TENNESSEE PIPELINE CO., and
CNH AMERICA, LLC,

Defendants.

McKNIGHT, McCLOW, CANZANO,
SMITH & RADTKE, P.C.
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STIPULATION FOR ENTRY OF THIRD SUPPLEMENTAL EARLY CLAIMS ORDER

Plaintiffs and El Paso Tennessee Pipeline Co. ("El Paso Tennessee"), by their undersigned counsel, hereby stipulate and agree that the attached Third Supplemental Early Claims Order may be entered by the Court. In support, Plaintiffs and El Paso Tennessee state:

1. On November 17, 2011, this Court entered a Final Judgment pursuant to an August 17, 2011 Settlement Agreement between Plaintiffs and El Paso Tennessee. The Settlement Agreement provided that El Paso Tennessee would pay to Class Members an Authorized Claim Amount as determined pursuant to the Authorized Claims Procedure, which was attached to the Settlement Agreement as Exhibit A.

2. Under Paragraph 4.c of the Authorized Claim Procedure, El Paso Tennessee agreed to make an Early Claim Payment to any Class Member who accepted the amount set forth in the Damage Claim Form; who did not seek additional damages; and who signed a Release in the form of Exhibit 13 to the Authorized Claim Procedure.

3. On July 9, 2012, the Court entered a Claims Order approving the payments of 2089 Claims set forth in the attached Payee Report and providing that Plaintiffs would have thirty (30) days from the date of the Order to identify additional Class Members who were entitled to an early payment of the Authorized Claim Amount.

4. On September 11, 2012, the Court entered a Supplemental Early Claims Order for the early payment of the Authorized Claim Amounts of an additional 254 Class Members whose names, and the names of the Payees and the amounts of the Authorized Claim Amount for each Payee, were set forth in the Payee Reports attached as Exhibits A and B to the Supplemental Early Claims Order.

5. On October 24, 2012, the court entered a Second Supplemental Claims Order for the early payment of the Authorized Claim Amount of an additional 6 Class Members. .

6. Plaintiffs and El Paso Tennessee have now agreed to the early payment of the Authorized Claim Amounts of an additional 441 Class Members who (or whose Payees) have provided Plaintiffs and El Paso Tennessee with both a signed Release in a form approved by El Paso Tennessee and a social security number. The names of these Class Members and the Payees, as well as the amounts of the Authorized Claim Amount and each Payee's share of that Authorized Claim Amount, are set forth in the Payee Report dated September 17, 2013 which is attached as Exhibit A to this Stipulation.

6. Plaintiffs and El Paso Tennessee have agreed that El Paso Tennessee will make these early payments of the Authorized Claim Amount as described in the proposed Third Supplemental Early Claims Order.

WHEREFORE, Plaintiffs and El Paso Tennessee Pipeline Co. respectfully request that this Honorable Court enter the attached Claims Order.

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SMITH & RADTKE, P.C.

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Dated: September 18, 2013